

AMENDED IN SENATE JULY 6, 2012
AMENDED IN SENATE JUNE 19, 2012
AMENDED IN ASSEMBLY MAY 3, 2012
AMENDED IN ASSEMBLY APRIL 16, 2012
AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2443

Introduced by Assembly Member Williams

February 24, 2012

An act to add Article 1.3 (commencing with Section 675) to Chapter 5 of Division 3 of the Harbors and Navigation Code, and to amend Sections 9853 and 9860 of the Vehicle Code, relating to vessels.

LEGISLATIVE COUNSEL’S DIGEST

AB 2443, as amended, Williams. Vessels: registration fee: Quagga and Zebra Mussel Infestation Prevention Program.

Existing law establishes various programs administered by, among other agencies, the Department of Fish and Game and the State Lands Commission, to prevent aquatic invasive species introduction and manage the spread and impacts of aquatic invasive species in state waters. Existing law prohibits, except as authorized by the Department of Fish and Game, a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, which are regulated by the department as an invasive species.

Existing law requires the owner of a vessel, as described, to register the vessel with the Department of Boating and Waterways (department), in accordance with prescribed requirements. Existing law establishes a registration fee for vessels and applies certain fee increases to that registration fee.

This bill would impose an additional fee in specified amounts, as determined by the department, on a vessel required to pay that registration fee. The bill would require the department, in determining the fee, to consult with a technical advisory group, which would be established by the department. The bill would require funds from the fee to be used to, among other things, implement and administer dreissenid mussel monitoring, inspection, and infestation prevention programs, as prescribed. The bill would require the department to adopt an emergency regulation to prescribe procedures for the collection and use of the fee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Quagga and zebra mussels, nonnative dreissenid mussels
- 4 introduced in the United States from Europe in 1988, pose an
- 5 immediate and significant threat to California's water supply, flood
- 6 control, power generation, and aquatic recreation infrastructure.
- 7 Once established in a body of freshwater, quagga and zebra mussels
- 8 latch onto pipes, valves, screens, irrigation canals, and gates, often
- 9 in quantities that severely impede the movement of water and the
- 10 necessary operation of other critical water management
- 11 infrastructure.
- 12 (b) Quagga and zebra mussel infestation poses tremendous
- 13 financial burdens on local governments and local economies.
- 14 Between 2000 and 2010, widespread zebra mussel infestation of
- 15 the Great Lakes region resulted in over \$5 billion in economic
- 16 impacts. Were it to become infested, California's Lake Tahoe alone
- 17 would likely incur economic impacts of over \$20 million annually.
- 18 (c) Quagga and zebra mussel infestations have been identified
- 19 in 25 bodies of freshwater in California, most within the southern
- 20 California region. These infestations threaten additional water

1 management and recreational facilities throughout southern
2 California as well as facilities across the state. Facilities threatened
3 with infestation include, but are not limited to, agricultural water
4 management infrastructure in the central valley, drinking water
5 facilities in the central coast and north coast regions, power
6 generation infrastructure in the Sierra Nevada, and flood control
7 facilities throughout California's watersheds.

8 (d) Existing law prohibits the possession, importation, shipment,
9 transportation, planting, or placement of quagga and zebra mussels
10 in any water within the state.

11 (e) An urgency exists due to the tremendous water management
12 impacts and state and local government costs associated with
13 quagga and zebra mussel infestation.

14 (f) The fees required by Article 1.3 (commencing with Section
15 675) of Chapter 5 of Division 3 of the Harbors and Navigation
16 Code, as determined by the Department of Boating and Waterways,
17 are solely for the reasonable regulatory costs incident to performing
18 investigations and inspections necessary to prevent and control
19 the infestation of California waters by quagga and zebra mussels.

20 (g) It is therefore the intent of the Legislature that fees required
21 by Article 1.3 (commencing with Section 675) of Chapter 5 of
22 Division 3 of the Harbors and Navigation Code as determined by
23 the Department of Boating and Waterways, shall not exceed the
24 cumulative reasonable regulatory costs incident to performing
25 investigations and inspections necessary to prevent quagga and
26 zebra mussel infestation.

27 SEC. 2. Article 1.3 (commencing with Section 675) is added
28 to Chapter 5 of Division 3 of the Harbors and Navigation Code,
29 to read:

30
31 Article 1.3. Quagga and Zebra Mussel Infestation Prevention
32 Fee
33

34 675. (a) In addition to the fees imposed pursuant to paragraphs
35 (1) and (2) of subdivision (b) of Section 9853 or Section 9860 of
36 the Vehicle Code, there shall also be imposed an additional quagga
37 and zebra mussel infestation prevention fee in an amount to be
38 determined by the department as follows:

1 (1) The additional prevention fee imposed with the registration
2 fee collected pursuant to paragraph (1) of subdivision (b) of Section
3 9853 of the Vehicle Code shall be not more than ten dollars (\$10).

4 (2) The additional prevention fee imposed with the registration
5 fee collected pursuant to paragraph (2) of subdivision (b) of Section
6 9853 of the Vehicle Code shall be not more than twenty dollars
7 (\$20).

8 (3) The additional prevention fee imposed with the registration
9 fee collected pursuant to Section 9860 of the Vehicle Code shall
10 be not more than twenty dollars (\$20).

11 (b) In determining the amount of the fee imposed pursuant to
12 this subdivision, the department shall establish, and consult with,
13 a technical advisory group consisting of interested persons,
14 including, but not limited to, recreational boating and reservoir
15 operation representatives. The members of the advisory group
16 shall be appointed by the director.

17 (c) The department shall adopt an emergency regulation to
18 prescribe procedures for the collection and use of the quagga and
19 zebra mussel infestation prevention fee for the purposes of this
20 article. The emergency regulations shall include rules for
21 administering the grants awarded pursuant to Section 676.

22 (d) All revenues collected from the fee shall be deposited into
23 the Harbors and Watercraft Revolving Fund, and shall be expended
24 solely for the purposes set forth in Section 676.

25 (e) The fee established by this section shall not apply to vessels
26 that are used exclusively in marine waters.

27 676. (a) All moneys deposited in the Harbors and Watercraft
28 Revolving Fund pursuant to Section 675 shall be available, upon
29 appropriation by the Legislature, for the following purposes:

30 ~~(1) For the reasonable costs, not to exceed 3 percent of total~~
31 ~~revenues, incurred by the Department of Motor Vehicles associated~~
32 ~~with the collection and administration of the fee pursuant to Section~~
33 ~~675.~~

34 ~~(2)–~~

35 (1) For reasonable costs, not to exceed 3 percent of total
36 revenues, incurred by the department associated with determining
37 the prevention fee and adoption of regulations pursuant to Section
38 675, and with administering the grants pursuant to subdivision (b).

39 ~~(3)–~~

1 (2) (A) For reasonable costs, not to exceed 15 percent of the
2 remaining revenues deposited into the fund, of the Department
3 Fish and ~~Games~~ *Game* for implementation of subparagraph (A)
4 or (C) of paragraph (2) of, or paragraph (1) of, subdivision (a) of
5 Section 2301 or Section 2302 of the Fish and Game Code in those
6 areas of the state where a dreissenid mussel infestation prevention
7 plan has not been implemented.

8 (B) The amount specified in subparagraph (A) is in addition to
9 moneys available pursuant to subdivision (d) of Section 85.2.

10 (4) An amount not less than 85 percent of the remaining
11 revenues deposited into the fund shall be made available for grants
12 to entities subject to subdivision (a) of Section 2302 of the Fish
13 and Game Code for the reasonable regulatory costs incident to the
14 implementation of a dreissenid mussel infestation prevention plan
15 implemented either before or after January 1, 2013, that is
16 consistent with the requirements of Section 2302 of the Fish and
17 Game Code.

18 (b) For the purposes of awarding grants pursuant to paragraph
19 (4) of subdivision (a), the department shall do all of the following:

20 (1) Give priority to dreissenid mussel infestation prevention
21 plans that are consistent with Section 2302 of the Fish and Game
22 Code and that also include visual and manual inspection standards
23 and other infestation prevention procedures consistent with either
24 the Department of Fish and Game's Invasive Mussel Guidebook
25 for Recreational Water Managers and Users, dated September
26 2010, or the Natural Resource Agency's Aquatic Invasive Species
27 Management Plan, dated January 2008, or subsequently adopted
28 guidebooks and management plans.

29 (2) Take into consideration the benefits of regional-scale
30 dreissenid mussel infestation prevention plans.

31 (3) Take into consideration the unique economic, ecological,
32 and recreational impacts to rural and urban reservoirs from
33 dreissenid mussel infestation.

34 (c) For purposes of this article, reasonable regulatory costs
35 include costs associated with the investigation and inspection of
36 a conveyance for the presence of dreissenid mussels prior to contact
37 with a reservoir, as defined in Section 6004.5 of the Water Code.
38 None of the revenues collected pursuant to subdivision (a) of
39 Section 675 shall be used for any purpose other than those
40 explicitly authorized by this section.

(d) For the purposes of this section, conveyances include boats and other watercraft, and associated vehicles, containers, and trailers that may carry or contain adult or larval dreissenid mussels.

(e) As a condition of receiving grant funding pursuant to this section, an entity shall report to the department data, as deemed appropriate by the department, regarding dreissenid mussel prevention and inspection programs implemented with the funding.

677. This article does not preempt a special district, city, county, or joint powers authority from adopting local regulations or ordinances related to the prevention and eradication of invasive aquatic species.

SEC. 3. Section 9853 of the Vehicle Code is amended to read:

9853. (a) The owner of each vessel requiring numbering by this state shall file an initial application for a number with the department or with an agent authorized by the department on forms approved by the department. The forms shall be prepared in cooperation with the Department of Boating and Waterways. The application shall contain the true name and address of the owner and of the legal owner, if any, and the hull identification number of the vessel as may be required by the department. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of nine dollars (\$9), in addition to the fees required under subdivision (b), except that an owner of a vessel registered outside this state who is submitting an application for registration in this state shall pay a fee of thirty-seven dollars (\$37), in addition to the fees required under subdivision (b).

(b) (1) Whenever the fee for original registration of a vessel becomes due between January 1 and December 31 of any even-numbered year, the application shall be accompanied by a fee of ten dollars (\$10), in addition to any other fees that are then due and payable.

(2) Whenever the fee for original registration of a vessel becomes due, or is filed with the department, between January 1 and December 31 of any odd-numbered year, the application shall be accompanied by a fee of twenty dollars (\$20) in addition to any other fees that are then due and payable.

(c) (1) The department shall additionally collect a quagga and zebra mussel infestation prevention fee in an amount established by the Department of Boating and Waterways pursuant to Section 675 of the Harbors and Navigation Code.

1 (2) Notwithstanding Section 9863, *after deducting the amount*
2 *of its administrative costs incurred in connection with the collection*
3 *of the fee specified in this subdivision, the department shall deposit*
4 fees collected pursuant to this subdivision ~~shall be deposited~~ into
5 the Harbors and Watercraft Revolving Fund as required by Section
6 675 of the Harbors and Navigation Code for expenditure as
7 provided in Section 676 of that code.

8 (d) *The department shall provide documentation of its*
9 *administrative costs pursuant to this section to the Department of*
10 *Boating and Waterways.*

11 SEC. 4. Section 9860 of the Vehicle Code is amended to read:

12 9860. (a) Certificates of number shall be renewed before
13 midnight of the expiration date by presentation of the certificate
14 of number last issued for the vessel or by presentation of a potential
15 registration card issued by the department.

16 (b) The fee for renewal shall be twenty dollars (\$20) for each
17 two-year period, and shall accompany the request for renewal.

18 (c) If the certificate of number and potential registration card
19 are unavailable, the fee specified in Section 9867 shall not be paid.

20 (d) (1) The department shall additionally collect a quagga and
21 zebra mussel infestation prevention fee in an amount established
22 by the Department of Boating and Waterways pursuant to Section
23 675 of the Harbors and Navigation Code.

24 (2) Notwithstanding Section 9863, *after deducting its*
25 *administrative costs incurred in connection with the collection of*
26 *the fee specified in this subdivision, the department shall deposit*
27 fees collected pursuant to this subdivision ~~shall be deposited~~ into
28 the Harbors and Watercraft Revolving Fund as required by Section
29 675 of the Harbors and Navigation Code for expenditure as
30 provided in Section 676 of that code.

31 (e) *The department shall provide documentation of its*
32 *administrative costs pursuant to this section to the Department of*
33 *Boating and Waterways.*